

REMARKS

The foregoing amendments and these remarks are in response to the Final Office Action dated January 14, 2008. This amendment is filed with a Request for Continued Examination and a request for a two month extension of time and authorization to charge Deposit Account No. 50-0951 for the appropriate extension fees.

At the time of the Office Action, claims 1-10 were pending in the application. In the Office Action, claims 1-5 were rejected under 35 U.S.C. §102(b). Claims 6-10 were rejected under 35 U.S.C. §103(a). The rejections are discussed in more detail below.

I. Objection to the Declaration

The Examiner confirmed by email that the objection to the declaration was raised against the previous version of the declaration, and that the replacement declaration that was filed in this application overcomes the objection raised.

II. Claim Rejections Based on Art

Claims 1-5 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,635,684 to Mandeville Joscelyne ("*Mandeville*"). Claims 6-10 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Mandeville* in view of U.S. Patent No. 5,213,820 to Uhlemann et al. ("*Uhlemann*").

The Applicant respectfully requests the Examiner to reconsider §102(b) novelty rejection in connection with claims 1-5. The Examiner states in the Response to Arguments (anticipation) that *Mandeville* teaches the structure and function of the claimed invention whether the invention pertains to the field of fluid bed granulation of seeds or prilling.

Such assertion is traversed as being technically incorrect. The two processes fluid bed granulation and prilling are opposite processes that are not mutually compatible.

If a granule is formed through prilling, as is the case for the process taught by *Mandeville*, wherein solid anhydrous caustic soda is formed through a drying process of droplets of caustic soda solution falling by gravity in the free space of a tower B, it cannot be obtained through fluid bed granulation as well.

To the contrary, as is known in the art, a fluid bed granulation process is a process in which granules of a predetermined substance are formed through continuous growth of granule

seeds of such a substance, continuously fed into a granulation fluid bed, at the same time with a flow of an appropriate growth substance in liquid state granulation (see for instance present application, page 1, lines 16-20).

It can be seen, therefore, that *Mandeville* is solely limited to a conventional pilling process while the present application clearly claims a fluid bed granulation process.

Therefore, already by reading the introductory expression of claim 1: "fluid bed granulation process", it is immediately apparent to the skilled person that what it is intended to be claimed is a process of the type defined at page 1, lines 16-20 of the present description, which substantially differs from the pilling process taught by *Mandeville*.

The above is also confirmed by a further distinguishing feature between the present claims and *Mandeville*.

According to *Mandeville*, see the figure and column 2, lines 45 to 55, a plurality of liquid droplets of a caustic soda solution are sprayed through a spray C and made to fall by gravity through a free space B of a tower. Simultaneously, dry air is blown in the tower from its bottom. At B, the drops of caustic soda solution evaporate isothermally and adiabatically to give granules. These granules collect on the perforated plate E, where they are kept in fluidized motion by the upflow of dry air.

It is clear from the structure and process disclosed in *Mandeville* that the granules are formed solely and exclusively in the free space of tower B, through a drying process of the falling droplets of caustic soda solution. On plate E, the formed granules are merely collected (and kept in fluidized motion).

In other words, plate E of *Mandeville* and the fluid bed supported thereon cannot be compared or confused to a granulation fluid bed, i.e., a fluid bed where the granules are formed (through growth of the granule seeds).

On the contrary, according to the claimed granulation process, a granulation fluid bed F1 is used. No granulation fluid bed is disclosed or suggested in *Mandeville*. The effect of such distinguishing feature is a claimed process which is technically totally different from the process disclosed in *Mandeville*.

In view of the above arguments, it is clear that *Mandeville* does not anticipate the present claims. Nevertheless, applicant has amended claims 1 and 4 to clarify what is meant by a fluid

Amendment

Response to Office Action dated February 11, 2008

bed granulation process. Proper support for such an amendment can for instance be found in the present application, see for example, page 1, lines 16-20.

The subject-matter of present claims 1-5 is thus believed to be new and inventive in view of *Mandeville*.

The Examiner has also rejected claims 6-10 as being obvious over *Mandeville* in view of *Uhlemann*.

However, the Examiner has failed to mention which features of present claim 6 are anticipated by *Mandeville* (see Office Action, page 3, lines 4-5). On the contrary, in the analysis the Examiner has listed all features of claims 6 to 10 as being disclosed in *Uhlemann* only (see Office Action page 3: line 4 to page 4, line 12, see in particular page 4, lines 10-12).

This analysis seems to be in clear contradiction to what stated by the Examiner in the same Office Action, at page 5, obviousness, wherein it is asserted that *Uhlemann* does not disclose all elements of the present invention.

In view of the above, it is thus not, clear why the subject-matter of claims 6-10 is obvious in view of the cited prior art.

As already explained in the previous correspondence, none of the features recited in the characterizing portion of independent claim 6 can be found in *Uhlemann*.

Moreover, the apparatus disclosed in *Uhlemann* as well as the prilling tower disclosed in *Mandeville* are both not suitable to carry out the fluid bed granulation process recited in claim 4.

In this respect, it is also noted that the person of ordinary skill in the art aiming to conceive a new and improved fluid bed granulation apparatus would have never considered *Mandeville* as relevant prior art since such a document is concerned with a totally different technical field, i.e. the technical field of the prilling towers.

Analogously, any combination of *Mandeville* with *Uhlemann* is traversed since these documents relate to totally different technical fields (prilling and granulation, respectively). The skilled person would have thus not considered these documents together without the exercise of an inventive skill.

Any assertion that the subject-matter of present claims 6-10 is obvious to the skilled person without any relevant prior art substantiation is traversed since it is the result of an inadmissible hindsight analysis of the invention.

The subject-matter of claims 6-10 are thus believed to be inventive over the cited prior art.

III. Conclusion

For the foregoing reasons, all claims are believed to relate to patentable subject matter, and to be in condition for allowance. Prompt issuance of a Notice of Allowance is thus respectfully requested.

Applicant has made every effort to present claims which distinguish over the prior art, and it is thus believed that all claims are in condition for allowance. Nevertheless, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicants respectfully request reconsideration and prompt allowance of the pending claims.

Respectfully submitted,

Date: _____

6-16-08



Mark D. Passler
Registration No. 40,764
Sarah E. Smith
Registration No. 50,488
AKERMAN SENTERFITT
Post Office Box 3188
West Palm Beach, FL 33402-3188
Telephone: (561) 653-5000